



PATENT
Customer No. 22,852
Attorney Docket No. 06028.0037-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Frédéric SIMONET et al.) Group Art Unit: 1751
)
Application No.: 10/728,846) Examiner: E. Elhilo
)
Filed: December 8, 2003) Confirmation No. 9233
)
For: OXIDATION DYE COMPOSITION FOR)
KERATIN FIBERS, COMPRISING AT)
LEAST ONE OXIDATION DYE, AT LEAST)
ONE ASSOCIATIVE POLYMER, AND AT)
LEAST ONE NONIONIC CELLULOSE-)
BASED COMPOUND NOT COMPRISING)
A C₈-C₃₀ FATTY CHAIN, AND AT LEAST)
ONE CATIONIC POLYMER WITH A)
CHARGE DENSITY OF GREATER THAN)
1 MEQ/G AND NOT COMPRISING A C₈-)
C₃₀ FATTY CHAIN)

05/11/2006 JADD01 00000027 10728846
02 FC:1806 180.00 OP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patents and U.S. patent application publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **EP 0 080 976** - An abstract of the disclosure of this document can be found in the English language Derwent submitted herewith.
2. **EP 0 884 344** - An abstract of the disclosure of this document can be found in the English language Derwent submitted herewith.
3. **EP 0 959 090** - This document is believed to be related to U.S. Patent Application Publication No. 2001/0003776 and U.S. Patent No. 6,313,260.
4. **EP 0 959 091** - This document is believed to be related to U.S. Patent Application Publication No. 2002/0119171.
5. **EP 0 959 094** - This document is believed to be related to U.S. Patent No. 6,287,578.
6. **EP 1 090 623** - This document is believed to be related to U.S. Patent No. 6,562,772.
7. **FR 1 400 366** - This document is believed to be related to Great Britain Patent No. GB 1,021,400.
8. **FR 1 583 363** - This document is believed to be related to U.S. Patent No. 3,632,559.

9. **FR 2 077 143** - This document is believed to be related to Great Britain Patent No. GB 1,331,819.

10. **FR 2 080 759** - This document is believed to be related to Great Britain Patent No. GB 1,347,051.

11. **FR 2 137 684** - This document is believed to be related to U.S. Patent Nos. 3,879,376, 3,953,608, and 4,031,025.

12. **FR 2 162 025** - This document is believed to be related to U.S. Patent No. 3,917,817.

13. **FR 2 190 406** - This document is believed to be related to U.S. Patent Nos. 3,912,808, 3,986,825, and 4,027,008.

14. **FR 2 252 840** - This document is believed to be related to U.S. Patent No. 4,172,887.

15. **FR 2 270 846** - This document is believed to be related to U.S. Patent Nos. 4,217,914, 4,422,853, 4,948,579, and 5,196,189.

16. **FR 2 280 361** - This document is believed to be related to U.S. Patent No. 4,013,787.

17. **FR 2 316 271** - This document is believed to be related to U.S. Patent Nos. 4,197,865, 4,381,919, and 4,608,250.

18. **FR 2 320 330** - This document is believed to be related to Great Britain Patent No. GB 1,479,786.

19. **FR 2 336 434** - This document is believed to be related to Great Britain Patent No. GB 1,546,809.

20. **FR 2 368 508** - This document is believed to be related to U.S. Patent Nos. 4,189,468, and 4,277,581.

21. **FR 2 383 660** - This document is believed to be related to U.S. Patent Nos. 4,240,450, 4,445,521, 4,719,099, and 5,009,880.

22. **FR 2 393 573** - This document is believed to be related to U.S. Patent Nos. 4,165,367, and 4,223,009.

23. **FR 2 413 907** - This document is believed to be related to U.S. Patent No. 4,349,532.

24. **FR 2 470 596** - This document is believed to be related to U.S. Patent Nos. 4,996,059, and 5,958,392.

25. **FR 2 505 348** - This document is believed to be related to U.S. Patent No. 4,761,273.

26. **FR 2 519 863** - This document is believed to be related to U.S. Patent Nos. 5,089,252, and 5,139,037.

27. **FR 2 542 997** - This document is believed to be related to U.S. Patent No. 4,591,610.

28. **FR 2 598 611** - This document is believed to be related to U.S. Patent No. 4,839,166.

29. **FR 2 733 749** - This document is believed to be related to U.S. Patent Nos. 6,099,592, 6,338,741, 6,645,258 and U.S. Patent Application Publication Nos. 2002/0050013, and US 2003/0019051.

30. **FR 2 750 048** - This document is believed to be related to U.S. Patent No. 6,099,593.

31. **FR 2 802 089** - This document is believed to be related to U.S. Patent No. 6,800,098.
32. **FR 2 811 993** - This document is believed to be related to U.S. Patent Publication Nos. 2003/0124079, and 2004/0141943.
33. **FR 2 816 207** - This document is believed to be related to U.S. Patent Application Publication No. US 2004/025266.
34. **FR 2 817 466** - This document is believed to be related to U.S. Patent Application Publication No. US 2004/049861.
35. **FR 2 817 467** - This document is believed to be related to U.S. Patent Application Publication No. US 2004/060126.
36. **FR 2 820 032** - This document is believed to be related to U.S. Patent Application Publication No. US 2004/205901.
37. **DE 2 359 399** - This document is believed to be related to U.S. Patent Nos. 4,003,699, and RE 30,199.
38. **DE 3 843 892** - This document is believed to be related to U.S. Patent No. 5,061,289.
39. **DE 4 133 957** - This document is believed to be related to U.S. Patent No. 5,380,340.
40. **DE 1 954 3988** - This document is believed to be related to U.S. Patent No. 5,766,576.
41. **JP 2-19576** - It is believed that Japanese Patent Application No. 88-169571 resulted in JP 2-19576 and JP 2526099 B2, an English language Derwent Abstract of which are submitted herewith.

42. **WO 94/08969** - This document is believed to be related to U.S. Patent No. 5,663,366.

43. **WO 94/08970** - This document is believed to be related to U.S. Patent No. 5,534,267.

44. **WO 96/15765** - This document is believed to be related to U.S. Patent No. 6,284,003.

45. **French Search Report for FR 02/15469** - This is the Search Report for French Patent Application No. 02/15469, which is the French Priority Application for U.S. Application No. 10/728,846 (the present application).

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

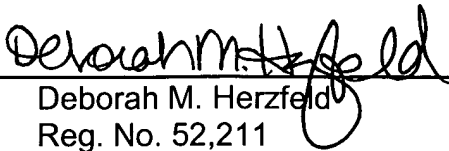
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 10, 2006

By: 
Deborah M. Herzfeld
Reg. No. 52,211

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

6

Application Number

10/728,846

Filing Date

December 8, 2003

First Named Inventor

Frédéric SIMONET et al

Art Unit

1751

Examiner Name

E. Elhilo

Attorney Docket Number

06028.0037-00

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Examiner
SignatureDate
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | | | | | |
|--|---|----|---|--------------------------|--|------------------------|--|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | | | |
| | | | | Application Number | | 10/728,846 | |
| | | | | Filing Date | | December 8, 2003 | |
| | | | | First Named Inventor | | Frédéric SIMONET et al | |
| | | | | Art Unit | | 1751 | |
| | | | | Examiner Name | | E. Elhilo | |
| Sheet | 2 | of | 6 | Attorney Docket Number | | 06028.0037-00 | |

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| Examiner Signature | | Date Considered | |
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| IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | | |
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| | | | | First Named Inventor | | Frédéric SIMONET et al |
| | | | | Art Unit | | 1751 |
| | | | | Examiner Name | | E. Elhilo |
| Sheet | 3 | of | 6 | Attorney Docket Number | | 06028.0037-00 |

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Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

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| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
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| Sheet | 5 | of | 6 | Attorney Docket Number | | 06028.0037-00 | |

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| | 147 | WO 94/08969 | 04-28-1994 | Wella AG | | |

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| Examiner Signature | | Date Considered | |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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|---|---|----|---|--------------------------|--|------------------------|--|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | | | |
| | | | | Application Number | | 10/728,846 | |
| | | | | Filing Date | | December 8, 2003 | |
| | | | | First Named Inventor | | Frédéric SIMONET et al | |
| | | | | Art Unit | | 1751 | |
| | | | | Examiner Name | | E. Elhilo | |
| Sheet | 6 | of | 6 | Attorney Docket Number | | 06028.0037-00 | |

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|-----|-------------|------------|----------------------|--|--|
| | 148 | WO 94/08970 | 04-28-1994 | Wella AG | | |
| | 149 | WO 96/15765 | 05-30-1996 | Henkel KGAA | | |
| | 150 | WO 98/44012 | 10-08-1998 | Calgon Corp. | | |
| | 151 | WO 00/68282 | 11-16-2000 | ISP Investments Inc. | | |

| NON PATENT LITERATURE DOCUMENTS | | | | |
|---------------------------------|-----------------------|---|--|--------------------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | Translation ⁶ |
| | 152 | G. FONNUM et al., "Associative Thickeners. Part I: Synthesis, Rheology and Aggregation Behavior", Colloid & Polymer Science, 271: 380-389 (1993). | | |
| | 153 | M.R. Porter, "Handbook of Surfactants," Blackie & Son (Glasgow and London), pgs. 116-178 (1991)/ | | |
| | 154 | French Search Report for FR 02/15469, the French priority application for U.S. Application No. 10/728,846 (the present application) dated June 26, 2003, Examiner J.M. Yon. | | |
| | 155 | English language Derwent abstract of EP 0 080 976. | | |
| | 156 | English language Derwent abstract of EP 0 884 344. | | |
| | 157 | English language Derwent abstract of JP 2-19576. | | |
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